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TAGS: [PGOV](#) [PREL](#) [IZ](#)  
SUBJECT: IRAQ 201: IRAQ'S PRESIDENCY AND CABINET

Classified By: PMIN Robert Ford for reasons 1.4 (b) and (d).

¶1. (C) Summary. The Presidency Council and Council of Ministers (Cabinet) reflect a broad-based membership of the Iraqi Government and are institutions that sometimes attempt to restrain an increasingly assertive Prime Minister. The Presidency has used its authorities to ensure consensus on key issues, such as the contentious 2008 provincial elections law. However, Presidency Council figures and cabinet members often complain that they are marginalized from key decisions by the Prime Minister. During the formation of the next government next year, Iraqi politicians probably will seek to continue a degree of ethno-sectarian balance across key leadership positions. We can anticipate protracted negotiations to stand up that new Iraqi government during the first quarter of 2010 after the national parliamentary elections. Notably, if Jalal Talabani retires from the presidency and there is only one vice president instead of the current two, the negotiations will be even harder than they were in 2006. End summary.

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Outline of the Presidency Council  
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¶2. (U) The Presidency Council -- consisting of Iraq's president and two vice-presidents -- is a temporary body designed to promote national consensus by giving Kurds, Sunnis and Shi'a veto authority over legislation during the first government under the 2005 Constitution. After national elections, planned for late 2009 or early 2010, the Presidency Council will be replaced by a single President once the next parliament is seated. The Presidency Council is the successor to the prime minister, has veto power over legislation and decisions enacted by the Council of Representatives, can initiate a no-confidence vote against the Prime Minister and his cabinet, and must ratify death sentences. Its other responsibilities are largely symbolic. Future presidents may have fewer powers than the Presidency Council. (Comment: Although some believe the new president will have veto power over legislation, strong arguments exist that the Presidency -- unlike the Presidency Council -- will not have the power to veto legislation. A strict reading of the constitution suggests that under the next and each successive term of government, the single president may not have the power to veto measures taken by the Council of Representatives. We can expect this to be an issue the next Iraqi parliament and Iraqi Federal Supreme Court likely will examine. End Comment.) Additionally, Article 75 indicates that there will be only one vice president, who succeeds the president in absence or vacancy of the position. This vice president appears to have no specific constitutional responsibilities other than to assist the president in carrying out his official functions.

¶3. (C) President Jalal Talabani (Patriot Union of Kurdistan), Vice President Tariq al-Hashimi (Sunni Arab Iraq Islamic Party) and Vice President Adil Abd al-Mahdi (Shi'a Islamic Supreme Council of Iraq) gained their positions through their respective political parties. Their preapproval of legislation or U.S. policies usually translates to support

among their large voting bloc in parliament. Thus, we have found it effective to use the Presidency Council and the Prime Minister (the four positions making up the "Executive Council") as a primary mechanism to advance critical legislative agenda items, including the Provincial Election Law and Security Agreement (SA) in 2008.

¶4. (C) President Talabani and the two Vice Presidents regularly tell us that they are frustrated with Prime Minister Nuri al-Maliki's reluctance to include them in deliberations and executive decision making. The Executive Council -- an attempt to bring the prime minister and the presidents together regularly -- has been used, but not on a consistent basis. The President and VPs have complained to the Embassy that the U.S. government too often deals exclusively with the Prime Minister's Office, unnecessarily cutting them out of the diplomatic process. At the same time, they often shirk responsibility by requiring the prime minister to move ahead first on difficult and contentious issues. For example, they all directed our SA efforts through the Prime Minister (saying they would support his endorsement) but then either held out for additional provisions (Hashimi for the July referendum provision) or complained afterwards that they did not get credit for being vocal supporters of the SA (Abd al-Mahdi). Consequently, U.S. hand-holding and frequent consultation with these leaders on important issues remains vital for ensuring broad-based support for key initiatives.

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Presidency United to Restrain Maliki  
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¶5. (C) As sectarian tensions abate and cross-sectarian cooperation develops, Iraq's presidency and their parties have increasingly worked together to resist the Maliki government. The Kurdish Alliance-IIP-ISCI membership in the Presidency Council mirrors a durable alliance in parliament that has come to share a common goal of restraining the Prime Minister. In the fall of 2007 a direct threat by President Talabani to withdraw support from Maliki (at U.S. behest) led to successful completion of the Declaration of Principles for a Long-Term Relationship between the U.S. and Iraq -- the precursor to the SA and Strategic Framework Agreement. This direct pressure on Maliki has had an impact, but Talabani uses it selectively. (Comment: In general, Talabani has a better working relationship with Maliki than most other top-level Iraqi officials. Talabani would prefer a different prime minister, but he keeps the lines of communication with Maliki open. Now, in the wake of Maliki's perceived triumph in local elections in January 2009, and with increasing Arab-Kurdish tensions, threats from Talabani against may no longer carry the desired impact with Maliki. End Comment.)

¶6. (C) In November 2008, while Maliki sought to sell the Security Agreement to parliament, VP Hashimi used the veto threat to win a referendum on the agreement, and to secure passage of an accompanying political reform resolution that calls for changes within the Maliki government. VP Abd al-Mahdi told Embassy officials he helped write the resolution with Hashimi. (Note: To date, there has been little action to implement the resolution. End Note.) Also in November, the Presidency Council issued a statement critical of Maliki's tribal support councils, a move probably designed to undermine Maliki while his opponents were seeking concessions.

¶7. (U) The Presidency Council has also acted to temper parliament's excesses. In July 2008, Talabani and Abd al-Mahdi vetoed a provincial elections law that that passed despite a walkout by all Kurdish MPs. The law would have limited Kurdish representation in sensitive Kirkuk province, and was favored by some Sunni and Shi'a MPs seeking to limit

perceived Kurdish expansionism. The compromise elections law that eventually passed after the veto postponed elections in Kirkuk until a compromise is found.

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Outline of the Council of Ministers  
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¶8. (C) The Prime Minister's 37 person cabinet -- called the Council of Ministers -- represents ten parties and numerous independents. Under the Constitution, the prime minister nominates and parliament approves each minister. The prime minister can fire a minister only with parliament's consent (a constant complaint of Maliki and something he points to routinely when his ministries fail to perform). The COM has executive authority to implement laws and the ability to initiate legislation.

¶9. (C) Maliki's COM has fluctuated since it was established in 2006. In March 2007, Fadhila and Sadrists ministers withdrew from government. Fadhila publicly criticized Maliki's alleged closeness to Iran, but in private was frustrated that Maliki refused to offer Fadhila the Oil Ministry or another high-profile position. The Sadrists withdrew to protest the detention of Jaysh al-Mahdi members and the lack of a timeline for Coalition withdrawal. In August 2007, the Sunni Tawafuq front left government largely to shore-up support among its constituency after Maliki turned down the bloc's demands for greater Sunni inclusiveness. A few days later, former Prime Minister Ayad Qinclusiveness. A few days later, former Prime Minister Ayad Allawi pulled his Iraqiyya party from the COM to protest his own marginalization. A handful of Tawafuq and Iraqiyya ministers broke with their party and remained in government. Since then, we have seen the blocs seeking a return to government -- their position and influence outside carrying little visible gain.

¶10. (U) Maliki's current self-proclaimed "national unity" government gained its composition in July 2008 when Tawafuq reentered government with a deputy prime minister slot and five ministries -- Higher Education, Culture, Communications, State for Foreign Affairs, and State for Women's Affairs. Also in July, four COM vacancies were filled with Shi'a candidates -- Transportation, State for Tourism and Antiquity, State for Provincial Affairs, and State for Civil Society Affairs.

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Loyalists and Rivals Within  
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¶11. (C) Because Maliki had a relatively small support base in  
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parliament (his Da'wa Party holding 12 of 275 seats), he was forced to bring many rivals into his cabinet to maintain the confidence of parliament and to pass legislation. Maliki's inherent suspicion of these outsiders, however, has led him to circumvent many ministers and create governing channels outside the COM. The Political Council for National Security (PCNS), which is outside the Constitution but can help marshal the major political forces at once, often sits before the COM takes up contentious pieces of legislation. The PCNS brings together the most important ministers as well as the Presidency Council and the head of all the party blocs. Maliki looks to the PCNS for political cover on contentious issues, and endorsement of the PCNS assures ready and swift approval by the COM.

¶12. (C) Ministers who have gained Maliki's trust have been able to expand their policy influence. Oil Minister Hussein Shahrastani, National Security Minister Shirwan al-Waili, Parliamentary Affairs Minister (and former acting Justice Minister) Safa al-Safi, Trade Minister Abd al-Falah al-Sudani, and Education Minister Khudayr al-Khuzai are

allies of Maliki, and most assisted Maliki's State of Law Coalition during the January provincial elections. Defense Minister Abd al-Qadir al-Mufriji and Interior Minister Jawad al-Bulani were not Maliki loyalists but have come to gain the prime minister's respect because they wield power over ministries important to Maliki. (Note: Following Bulani's establishment of a new party for provincial elections, there have been rumors that Maliki might seek to replace him. End note.) Similarly, Maliki is often suspicious of Finance Minister Bayan Jaber but probably understands his importance within ISCI. Foreign Affairs Minister Hoshyar Zebari has a widely-known hostile relationship with Maliki, which has encouraged Maliki to bypass the Foreign Ministry and conduct diplomacy through his own office. The inability of Maliki and Zebari to work well together has led to long delays in agreement on the selection of Iraqi ambassadors to key countries.

¶13. (C) The administrative head of the cabinet and its staff is COM Secretary General Ali al-Alaq, an effective Da'wa functionary and regular Embassy contact. Maliki has appointed Alaq as his point-man for anti-corruption efforts, probably because Maliki trusts Alaq to protect Da'wa's political standing during sensitive investigations.

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Government Formation in 2010 Will Be Difficult  
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¶14. (C) As was the case in 2006, when the next government is formed it is likely that the presidency and cabinet positions will be allotted based on an omnibus package among parties willing to join a governing coalition. Many Iraqi politicians criticize the "sectarian quota" system among Kurds, Sunnis and Shi'a that in 2006 gave each ethno-sectarian group a representative at the prime minister, presidency, speakership, and cabinet levels. To overcome lingering inter-sectarian distrust and to establish broad based buy-in, the next parliament probably will have to uphold some variation of the quota system to select the next slate of government officials. If the Presidency loses its veto power under the next government, the power of the Prime Minister as well as the parliament -- especially the speaker -- will greatly increase. Moreover, if Talabani retires from the national scene and there is only one vice president, the negotiations over division of top-level positions will be even more contentious than they were during the five years more contentious than they were during the five months required in 2006 to stand up the Maliki government.

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